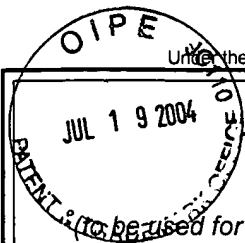
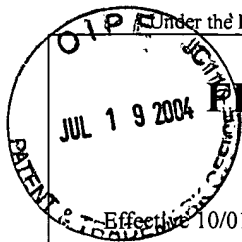


<div style="text-align: center;">  <p><b>TRANSMITTAL FORM</b></p> <p><i>(To be used for all correspondence after initial filing)</i></p> </div>	Application No. <b>10/647,268</b>
	Filing Date <b>August 20, 2003</b>
	First Named Inventor <b>Teruko Osumi et al.</b>
	Art Unit <b>1642</b>
	Examiners Name <b>Not yet assigned</b>
Total Number of Pages in This Submission <b>16</b>	Attorney Docket Number <b>0155.02</b>
<b>ENCLOSURES (Check all that apply)</b>	
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts /Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s):	
<b>Other Enclosures:</b> 1. Copy of Utility Patent Application Transmittal originally submitted August 20, 2003 2. Copy of Return Post Card Receipt originally submitted August 20, 2003 3. A duly executed Declaration in compliance with 37 CFR § 1.63, which identifies the application by the Application Number and Filing Date set for in the Notice;(1 page) and 4. A duly executed Power of Attorney or Authorization of Agent (4 pages); and 5. Computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the CRF is identical to the written sequence listing and includes no new matter. 6. Return copy of the Notice to File Missing Parts	
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
Firm or Individual Name	<b>Margaret A. Connor</b>
Signature	<i>Margaret A. Connor</i>
Date	<b>July 19, 2004</b>

<b>Certificate of Mailing by Express Mail</b>		
<b>Express Mail No. EU 972811643 US</b> I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450		
Typed or Printed Name	<b>Margaret A. Connor</b>	
Signature	<i>Margaret A. Connor</i>	Date: <b>July 19, 2004</b>

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



# **FREE TRANSMITTAL** **FY04**

Effective 10/01/2003. Patent fees are subject to annual revision.

Total Amount of Payment \$ 130.00

## **METHOD OF PAYMENT**

The Commissioner is hereby authorized to charge any fees set forth in CFR §§ 1.116 to 1.118 to the Deposit Account listed below for the entire pendency of the application, or credit any overpayment to this account. A duplicate copy of this sheet is enclosed:

Deposit Account No. **50-2135**Deposit Account Name: **USDA, ARS, OTT**  
**Patent Advisor**

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Entity:

Code	Fee (\$)	Fee Description	Fee Paid
1001	770	Utility Filing Fee	
1002	340	Design Filing Fee	
1003	530	Plant Filing Fee	
1004	770	Reissue Filing Fee	
1005	160	Provisional Filing Fee	

Subtotal (1) \$

### **2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee	Fee Paid
Total Claims	-20** =	X	=
Independent Claims	-3** =	X	=

Multiple Dependent =

Large Entity:

Code	Fee (\$)	Fee Description
1202	18	Claims in excess of 20
1201	86	Independent claims in excess of 3
1203	290	Multiple dependent claim, if not paid
1204	86	**Reissue independent claims over original patent
1205	18	** Reissue claims in excess of 20 and over original patent

Subtotal (2) \$

## **Complete if Known**

Application Number	10/647,268
Filing Date	August 20, 2003
First Named Inventor	Teruko Osumi et al.
Examiner Name	Not yet assigned
Art Unit	1642

Attorney Docket No. 0155.02

## **FEE CALCULATION**

### **3. ADDITIONAL FEES**

Large Entity:

Code	Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge-Late filing fee or oath	130.00
1052	50	Surcharge-late provisional filing fee or cover sheet	
1053	130	Non-English Specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	Extension for reply within first month	
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1,480	Extension for reply within fourth month	
1255	2,010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	
1403	290	Request for oral hearing	
1451	1,510	Petition to institute a public use proceeding	
1452	110	Petition to revive – unavoidable	
1453	1,330	Petition to revive – unintentional	
1501	1,330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1503	640	Plant issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	
1802	900	Request for expedited examination of a design application	

Other fee (specify):

\* Reduced by basic filing fee paid

Subtotal (3) \$ 130.00

## **SUBMITTED BY**

Name (Print/Type): **Margaret A. Connor**Registration No. **30,043**  
(Attorney/Agent)Telephone: **510-559-6067 or**  
**510-527-1418**

Signature:

*Margaret A. Connor*

Date:

**July 19, 2004**

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Appl. No. 10/647,268  
Reply Dated July 19, 2004  
Reply to Notice to File Missing Parts dated May 21, 2004

**Certificate of Mailing by Express Mail**

Express Mail No.: EU 972811643 US

Date: July 19, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to:

Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Depositor's Name: **Margaret A. Connor**

Depositor's Signature: *Margaret A. Connor*

Appl. No.	:	10/647,268	Confirmation No. 2068
Applicant	:	Teruko Osumi et al.	
Filed	:	August 20, 2003	
TC/A.U.	:	1642	
Examiner	:	Not yet assigned	
Docket No.	:	0155.02	
Customer No.	:	25278	

Mail Stop Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REPLY TO NOTICE TO FILE MISSING PARTS**  
**WITH SEQUENCE REQUIREMENTS**

Sir:

This responsive to the Notice of the Patent and Trademark Office dated May 21, 2004 to file missing parts.

Enclosed herewith are:

1. A duly executed Declaration in compliance with 37 CFR § 1.63, which identifies the application by the Application Number and Filing Date set for in the Notice; and
2. A duly executed Power of Attorney or Authorization of Agent; and
3. Computer readable form (CRF) copy of the "Sequence Listing" and a statement

Appl. No. 10/647,268  
Reply Dated July 19, 2004  
Reply to Notice to File Missing Parts dated May 21, 2004

that the content of the CRF is identical to the written sequence listing and includes no new matter.

4. Return copy of the Notice to File Missing

#### REMARKS

The Notice to File Missing Parts states that a copy of the Sequence Listing in computer readable form has not been submitted. To expedite examination of the subject application, applicants enclose herewith a computer readable form (CRF) copy of the "Sequence Listing" and statement that the content of the paper sequence listing submitted August 20, 2003 and the computer readable copy submitted herewith are the same and include no new matter. As shown by the enclosed copy of the Utility Patent Application Transmittal and return post card receipt, applicants did submit the sequence listing in computer readable form (CRF) when the instant application was filed on August 20, 2003.

#### FEE AUTHORIZATION

The Commissioner is hereby authorized to charge the required surcharge of \$130.00 to Deposit Account No. 50-2135. The Commissioner is also authorized to charge Deposit Account No. 50-2135 for any additional fees necessitated by the filing of these documents. If the Missing Parts Personnel have any questions or comments, the undersigned attorney earnestly requests a telephone conference.

Respectfully submitted,

  
MARGARET A. CONNOR  
Attorney of Record  
Registration No. 30,043

Telephone: (510) 527-1418 or (510) 559-6067

Appl. No. 10/647,268  
Reply Dated July 19, 2004  
Reply to Notice to File Missing Parts dated May 21, 2004

Enclosures

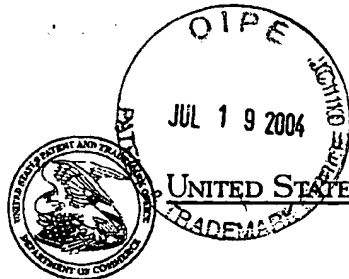
FY2004 Fee Transmittal (2 pages)  
Return Copy of Notice to File Missing Parts  
Executed Declaration (1 page)  
Executed Power of Attorney or Authorization of Agent (4 pages)  
Computer Readable Form (CRF) copy of Sequence Listing  
Statement of Sequence Correspondence  
Postcard Receipt

Accompanying Documents

Copy of Utility Patent Application Transmittal originally submitted August 20, 2003  
Copy of Return Post Card Receipt originally submitted August 20, 2003

07-21-04

1FW \$



JUL 19 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/647,268	08/20/2003	Teruko Osumi	0155.02

CONFIRMATION NO. 2068

## FORMALITIES LETTER



\*OC000000012735547\*

25278  
 USDA-ARS-OFFICE OF TECHNOLOGY TRANSFER  
 PATENT ADVISORS OFFICE  
 WESTERN REGIONAL RESEARCH CENTER  
 800 BUCHANAN ST  
 ALBANY, CA 94710

Date Mailed: 05/21/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

07/22/2004 DENMANU1 00000019 502135 10647268

01 FC:1051 130.00 DA

**SUMMARY OF FEES DUE:**

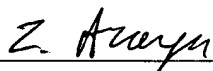
Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE